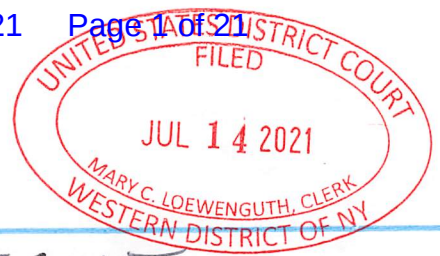


21 CV 807



UNITED STATES DISTRICT COURT

Michael D. Siler

Case No. _____

Plaintiff

Complaint
(pro se)

v.

Jury demand
(NO)

Officer J. Hicks, Officer Kirk,
N.Y.S. DOCCS Commissioner, Anthony J. Annucci
~~Officer~~ Sgt John Doe, Sgt Queball

I.

42 U.S.C. § 1983 (state, County, or ~~or~~ municipal
defendants)

II. Plaintiff information

• Michael D. Siler
18130821

Five points Correctional
facility
State Route 96, P.O. Box 119
Romulus, NY, 14541

• Convicted and sentenced state prisoner

III. Defendants information

PI

Defendant NO: 1

J. Hicks

Correctional officer

Elmira Correctional facility

P.O. Box 500

Elmira, NY, 14902-0500

Defendant NO: 2

Kirk, unknown

Correctional officer

Elmira Correctional facility

P.O. Box 500

Elmira, NY, 14902-0500

Defendant NO: 3

Annucci, J. Anthony

N.Y.S. DOCS ~~Comm~~ Acting Commissioner

1220 Washington Ave Bldg #2

Albany, NY, 12226

Defendant NO: 4

Doe, John

~~Corrections~~ Sgt.

Elmira Correctional facility

P.O. Box 500

Elmira, NY, 14902-0500

Defendant No: 5

Queball, unknown

Sgt.

Elmira Correctional facility

P.O. Box 500

Elmira, NY, 14902-0500

Iv. Statement of facts

1) On 2/15/21 in Elmira Correctional facility SHU shower (Handicapp shower) Plaintiff Michael Siler. Attempted to commit suicide, by cutting his Arms, risk, stomach, and chest with a shower razor, ~~During~~ during showers on the 3-11 shift. Because of this, Plaintiff was escorted out of the SHU, to medical. At the time of the escort. Defendant J. Hicks was the escorting officer. When Plaintiff was being escorted to medical to be ~~a~~ bandaged up before going to the mental health unit. When Plaintiff got to medical he was seen by the medical nurse. Which the nurse asked plaintiff some medical questions, then bandaged plaintiff cuts up. After plaintiff was bandaged up, he heard officer J. Hicks. Tell the escorting Sgt, that when Plaintiff gave the shower razor back. There was a piece of the razor missing. And that Plaintiff might have it in his possession

Then officer J. Hicks told ~~me~~ ^{he} that ~~he~~ ^{he} had had to strip, so they could search ~~me~~ ^{him}. ~~He~~ ^{He} told officer J. Hicks that ~~he~~ ^{He} didn't have a piece of the razor. And that they were going to strip search ~~me~~ ^{him} in the MHU. Officer J. Hicks stated to ~~me~~ ^{Plaintiff}, that he had to check ~~my~~ ^{his} rectum. ~~Plaintiff~~ Plaintiff stated that "if you think there's something in ~~my~~ ^{my} rectum, ~~then~~ I'm suppose to go on feces watch". Then ~~the~~ ^{two} other officers in the room with plaintiff and officer J. Hicks. Grabbed one of plaintiff arms each, while plaintiff arms ~~was~~ were cuffed to the back of his body. And forced plaintiff to lay on his stomach, on top of the medical bed. Which plaintiff was in a bend at the waist position. Then officer J. Hicks pulled plaintiff's pants and boxers down and inserted a finger in plaintiff's rectum. Then plaintiff asserts that he felt. Officer J. Hicks insert another finger in his rectum. Plaintiff asserts that, then officer J. Hicks moved them in a circular motion for like 10 seconds. And then officer J. Hicks took them out. And pulled plaintiff pants and boxers back up. And then plaintiff was ~~he~~ escorted to MHU by the Sgt and officer J. Hicks. Plaintiff asserts that the assault on him by officer J. Hicks. Took place at medical, second floor in one of the medical examination rooms with a big tv in it.

Plaintiff asserts that when he was in the MHU. He told the nurse during morning meds run, that he was sexually assaulted by an officer in medical on ~~the~~ ~~the~~ the second floor. Plaintiff asserts that the nurse said they would contact the prea staff and have them come see you. Which plaintiff asserts never happened.

2) On the date of 2/18/21, Plaintiff was discharged from the MHU and escorted back to Elmira SHU. On the date of 2/18/21, on the 3-11 ~~st~~ shift. Plaintiff tried to commit suicide once again, by cutting his risk. On the officer rounds. He notice plaintiff had alot of blood on his shirt and body. Plaintiff asserts that, like 3 minutes later, Officer Kirk came to plaintiff cell (26) and asked plaintiff ~~if~~ if he cut himself. Plaintiff asserts he told officer Kirk, "yes I did, I want to die". Officer Kirk then asked plaintiff, "what did you cut yourself with". Plaintiff told officer Kirk that, he cut himself with a piece of shard plastic. off of his back gate that was left there by maintnace after they were welding on plaintiffs back gate to his cell (26). Two minutes later, Plaintiff was escorted to medical again to get bandaged up. Plaintiff was escorted by an unknown Sgt and officer Kirk.

Plaintiff was once again taken to the second floor of medical. Into the same medical room that he was sexually assaulted in. By officer J. Hicks on the date of 2/15/21. ~~Pl~~ Plaintiff asserts that, once he was bandaged up. Officer Kiek stated to him "I don't believe you flushed what you cut yourself with." And that I needed to be strip searched for contraband. Plaintiff asserts that he didn't feel comfortable strip searching here. Because of what happened to him on ~~2/18~~ 2/15/21. Plaintiff ~~ex~~ asserts then, the Sgt told two officers who's names plaintiff doesn't know. To hold me down while ~~an~~ officer Kiek search me for contraband. That's when the two unknown officers held plaintiff down on his stomach. And plaintiff asserts that Officer Kiek stuck his finger in plaintiff's rectum. Then plaintiff asserts that. Officer Kiek then pulled his pants and boxers up. And plaintiff was then escorted to MHU by the Sgt that ~~was~~ told officers to strip search ~~him~~ ^{him}. And the same Sgt that watched plaintiff be sexually assaulted by Officer Kiek. Officer Kiek was also escorting ~~him~~ ^{him} to MHU. The next day from the assault (2/19/21) while plaintiff was in MHU. He reported the assault to a nurse and to the mental therapist. which he

was never seen by a Sgt or any prea staff after his complaint about what happened to him on ~~2/15/21~~ 2/15/21 and 2/18/21. On the date 2/23/21 plaintiff was cleared from MHU. And escorted back to Elmira SHU. Plaintiff asserts that he waited for a couple of days. To go by and see if someone would come see him about his complaints. Plaintiff asserts that after waiting for five days. No one came to his cell (26) about the incidents. So plaintiff asserts that on 2/28/21. He had contacted prea hotline, which they stated to him. That they don't investigate complaints anymore. And I would have to make a complaint on the matter to Office of special investigations (O.S.I.)

3) On the date of 3/1/21, plaintiff cut his risk again in his cell (26) on the 7-3 shift after breakfast handout. When officers came to plaintiff's cell to pick up his trash and empty tray. The officers notice plaintiff's risk ~~was~~ had blood around them both along with both his forearms. Plaintiff asserts that 5 minutes later, He was escorted to medical by Sgt.

Queball and once again by officer J. Hicks.

When ~~he~~^{he} got to medical, ~~he~~^{he} was brought to a medical examination room on the first floor. A nurse came and bandaged ~~me~~^{him} up. ~~Sgt~~^{Sgt} Queball then asked the plaintiff "what did you use to cut yourself with". Plaintiff told Sgt Queball that he used a shard plastic from the back of his cell (26) gate again like the second time he cut his risk. Then plaintiff asserts that Sgt Queball said I had to be strip searched. ~~Plaintiff~~^{Plaintiff} asserts that he started to cry. And stated "I'm not letting Officer J. Hicks sexually assault me again like he did on 2/15/21. Sgt Queball stated to plaintiff "I don't buy that not one bit". "Now you can be strip search calm or ~~we~~^{we} we'll ~~use~~^{use} force". Plaintiff asserts that he would strip search ~~if~~^{if} a handheld camera present. *Sgt Queball then stated "No" and left the room. When ~~the~~^{the} Sgt came back in the room. He was with two more officers who's names the plaintiff doesn't know. Plaintiff asserts Sgt Queball then stated "Strip him". Next plaintiff asserts that the two officers Grabbed him. Then held him down on his stomach. And officer J. Hicks pulled plaintiffs pants and boxers down. And then inserted

a finger in plaintiff's rectum and then a split second later. Plaintiff felt another finger inserted in his rectum. Plaintiff asserts that he was screaming ~~and~~ for help and kicking. Plaintiff asserts to Sgt Queball by screaming to him. That, "this is the third time you officers sexually assaulted ~~me~~ me at medical." Plaintiff asserts that officer J. Hicks told him to "Shut up" and that there allowed to search an inmates rectum for contraband". Plaintiff asserts that officer J. Hicks pulled his pants and boxers up. Plaintiff asserts that he was escorted ~~to~~ to MHU by Sgt. Queball and Officer J. Hicks. Plaintiff asserts that he stated to Sgt. Queball and officer J. Hicks that "he will be making another complaint about the incident to Anthony J. Annucci again, to OSI again and that he will be filing more grievances about the sexual assault again". Plaintiff asserts that officer J. Hicks stated "you filed one on me from the first sexual assault and ~~nothing~~ nothing happened, I'm backed by the union". Plaintiff asserts that he told the officer doing rounds in the MHU. That he need to speak to the area Sgt. This was in the morning time, and after lunch ~~to~~ he stopped the officer again and told him ~~to~~ need to
 he

Speak to the area Sgt and then 10 minutes later the Sgt came to ~~my~~^{his} cell ~~(10 or 11)~~ in MHU. Plaintiff asserts he told the Sgt what happened and that he wanted to make a report to investigate all 3 sexual assault incidents with him. Plaintiff asserts that he asked the Sgt his name. But the Sgt stated "You don't need my name, I'm not getting mixed up in this bullshit game you're playing". Plaintiff asserts that he told the mental health therapist again about him being sexually assaulted a third time. Plaintiff asserts that he stayed in MHU until 3/15/21. And then he was escorted back to Elmira SHU.

4) On the date of 2/18/21, the Sgt that was escorting ~~me~~^{him} to medical, who's name plaintiff doesn't know at this time. Told two officers, who's names plaintiff doesn't know at this time. ~~To~~^{him} To hold ~~me~~^{him} down, for ~~me~~^{him} to be strip searched. This same Sgt allowed officer ~~Turk~~^{Kiek} to sexually assault plaintiff in his presents on the second floor at medical, in a medical examination room. Plaintiff asserts that the Sgt allowed officer ~~Turk~~^{Kiek} to violate his constitutional rights in fear of him

On ~~2~~ 3/1/21, ~~the~~ Sgt Queball allowed officer J. Hicks to sexually assault plaintiff in his presents. This incident happened on the first floor in Elmira Medical building. Inside a medical examination room. Sgt. Queball did not stop officer J. Hicks from violating plaintiff's constitutional rights.

~~(C)~~

5) on the date of 3/1/21, ^{Plaintiff} ~~the~~ sent out letter to Acting Commissioner, Anthony J. Annucci office, which is 1220 Washington Ave Bldg #2, Albany, NY, 12226. ~~the~~ ^{Plaintiff} explained in his letter about the sexual assault incidents with him on 2/15/21, 2/18/21. On the date of 3/16/21, ^{Plaintiff} ~~the~~ wrote Acting Commissioner, Anthony J. Annucci again about the sexually assault incident that happened with ~~him~~ ^{him} on 3/1/21. Plaintiff asserted in both his letters that he felt his health and safety was in grave danger while being in Elmira facility. ~~read the~~

Plaintiff asked in his letter to be transferred out of Elmira SHU. Because there was going to be retaliation towards him from officers that worked the SHU ~~with~~ frequently with Sgt. Queball, officer Kirk and officer J. Hicks. Plaintiff asserts that weeks went by. And he was subject to retaliation the whole time. Plaintiff asserts that he wrote Mr. Annucci again sometime in late April about the Retaliation. And plaintiff stated in that letter also that DOCS, ~~Is~~ Isn't going by the "115.67 (Agency protection against retaliation on pre-a claims) 115.67 states that "~~Is~~" "An Inmate must be transferred out of the facility. Where inmate claims he was sexually assaulted by staff or another inmate. Or the officer is to be removed from the inmate that has the sexual assault on the staff member". Plaintiff asserts that he was never ~~trans~~ transferred out of Elmira facility. And that officer Kirk, officer J. Hicks, and Sgt Queball. * Still was working a few times around the plaintiff, making threatening comments to him like "I should have stuck my night stick in there". "~~that~~ Maybe next time he goes to medical I will". This

was said by officer Kirk. Mr. Annucci kept ~~me~~ him in the facility where plaintiff was assaulted sexually. Because plaintiff has an active section 1983 complaint on Mr. Annucci. For the same reasons as in this complaint. For being deliberately indifference to plaintiffs health and safety. While plaintiff was housed in Fishkill SHU.

First Claim
(8th amendment violation)

1) On the date of 2/15/21, in a Elmira facility medical room on the second floor. Officer J. Hicks violated plaintiffs 8th amendment under cruel and unusual punishment. By sexually assaulting plaintiff by him sticking two of his fingers in plaintiffs rectum looking for contraband. This incident happened on the 3-11 shift.

2) On the date of 2/18/21, in a Elmira facility medical room on the second floor. Officer Kirk violated plaintiffs 8th amendment under cruel and unusual punishment. By sexually assaulting plaintiff by him sticking ~~two~~ ^{one} of his fingers in plaintiffs rectum looking for contraband. This incident happened on the 3-11 shift.

3) on the date of 2/18/21 in a Elmira facility medical room on the second floor. Sgt. John Doe ~~and~~ violated plaintiffs 8th amendment. By failing to protect and intervene. when he saw officer Kirk stick ~~one~~ ^{one} of his fingers in plaintiffs rectum looking for contraband. This incident happened on the 3-11 Shift.

4) on the date of 3/1/21 in a Elmira facility medical room on the first floor. ~~Sgt.~~ Sgt. Queball violated plaintiffs 8th amendment. By failing to protect and intervene. when he saw officer J. Hicks ~~stick~~ stick two of his fingers in plaintiffs rectum looking for contraband. This incident happened on the 7-3 shift

5) Acting Commissioner Anthony J. Annucci is in violation of plaintiffs 8th amendment. By allowing plaintiffs ~~health~~ health and safety. To be in danger after plaintiff informed Mr. Annucci their letters. Also by Mr. Annucci not going by 115.67 (Agency protection against retaliation on preda claims) ~~that~~ Mr. Annucci was informed by these incidents on two different occasions their letters. Therefore Making Mr. Annucci deliberately

Indifference to plaintiffs health and safety.

Second Claim (14th amendment violation)

1) Mr. Anthony J. Annucci is in direct violation of plaintiffs 14th amendment under due process. It was plaintiffs liberty to be ~~be~~ removed from the facility plaintiff asserts he was sexually assaulted. Under 115.67 (Agency protection against retaliation on prear claims) ~~no~~ It states an Inmate is to be transferred out of the facility, where the alleged sexual assault took place. The plaintiff wasn't removed from Elmira facility until 6/17/21. Four months from plaintiffs ~~for~~ first sexual assault against ~~me~~ him. And the only reason why plaintiff was drafted out of Elmira, was because of a program need that only five points SHU had. And therefore he was ~~&~~ transferred to five points Correctional facility SHU on 6/17/21.

VI. Relief Requested

Plaintiff

- I would please like to have an protective injunction to never be sent to Elmira facility or SHU for plaintiffs health and safety will always be in danger there.

• ~~I~~ would like defendants, officer J. Hicks, officer Kink, Sgt John Doe, and Sgt Queball. To collectively pay out to ~~me~~^{him} 250,000\$ in compensatory damages. Plaintiff is suing these four defendants in their individual capacity. ~~I~~^{he} would like criminal charges on these four defendants also.

Plaintiff
• ~~I~~ want Mr. Annucci to be ordered by the courts to uphold the protective injunction.

I declare under penalty of perjury that the foregoing is true and correct

7/5/21

Date written

Plaintiff (pro se)

Parties to previous lawsuits:

- 1) Michael D. Siler (pro se plaintiff)
 - 2) Sgt Fletcher (defendant)
 - 3) Officer Russell (defendant)
 - 4) Officer Hollenback (defendant)
- In Northern district Courts
 - 9:19-cv-00427-DNH-TWD (docket number/case number)
 - Magistrate Judge, Therese Wiley Danks
 - Disposition / currently pending
 - April 10th 2019 (filing date)
-

- 1) Michael D. Siler (pro se plaintiff)
 - 2) Officer ~~Monroe~~ pepeto Monroe
 - 3) Officer Edwin Lopez
 - 4) Officer J. Walden
 - 5) Superintendent Leroy Fields
 - 6) Acting Commissioner of N.Y.S., Anthony J. Annucci
- In Southern district Courts
 - 7:20-cv-05794-PMH
 - Magistrate Philip M. Halpern
 - Disposition / currently pending
 - July 24th 2020 (filing date)

AFFIDAVIT OF SERVICE

21 CV 807

STATE OF NEW YORK)
) ss.:
 COUNTY OF CHEMUNG)

I, Michael Siler, being duly sworn, deposes and says that:

1. I am a party to this action, 18 years or older, and an inmate at Elmira Correctional Facility, P.O. Box 500, Elmira, New York.

2. On the 12 day of July, 2021, I served the following described paper(s): Complaint (1983) cover sheet, Authorization sheet, Application to proceed pro person by mailing the paper(s) to the person at the address designated by him or her for that purpose by depositing the same in a first class, postpaid, properly addressed wrapper, in an official depository under the exclusive care and custody of the above-mentioned facility for the United States Postal Office within the State of New York. The name of the person or names of the persons served and the address or addresses at which service was made are as follows:

<u>U.S. District Court</u>	<u>State of New York</u>
<u>Western District of New York</u>	<u>Office of the Attorney General</u>
<u>U.S. Courthouse, 2 Niagara Sq.</u>	<u>The Capitol</u>
<u>Buffalo, 14202</u>	<u>Albany, NY, 12224-0341</u>

Court Exchange Bldg.
Suite 200, 144 Exchange Blvd,
Rochester, 14614-2176
Asst. Atty. General in charge
Ted O'Brien

Respectfully submitted,

Michael Siler

Sworn to Before me this 7th
 day of July, 2021.

Tyler Chase
 NOTARY PUBLIC

TYLER CHASE
 Notary Public - State of New York
 No. 01CH6381894
 Qualified in Seneca County
 My Commission Expires October 15, 2022

JS 44 (Rev. 06/17)

CIVIL COVER SHEET **21 CV 807**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS Michael D. Siler(b) County of Residence of First Listed Plaintiff Chemung

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro seDEFENDANTS Officer J. Hicks, Officer Kirk
Sgt. John Doe, Sgt. Queball, Acting Commissioner
for U.S. DCCS, Anthony J. AmucciCounty of Residence of First Listed Defendant Chemung

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff☒ 3 Federal Question
(U.S. Government Not a Party)☐ 2 U.S. Government Defendant☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State ☐ 1 ☐ 1 Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input checked="" type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Section 42 U.S.C.A. 1983 Section
 Brief description of cause: Violation of 8th and 14th Amendment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$ 250,000 CHECK YES only if demanded in complaint JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

SIGNATURE OF ATTORNEY OF RECORD

Michael SilerDATE 7/3/21

FOR OFFICE USE ONLY

DOCKET NUMBER 9:19-cv-00427-DNH-TWD

RECEIPT #

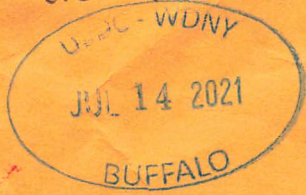
AMOUNT

APPLYING IFP

JUDGE

MAG JUDGE

Five points Correctional facility
State Route 96, P.O. Box 119
Romulus, New York, 14541
Michael Siler (1830821)



Five Points Correctional
Facility
Legal Mail Only



TO: U.S. District Court
Western District of New York
U.S. Courthouse, 2 Niagara Sq,
Buffalo, NY, 14202

NO
Funds
Were
Enclosed